

various experts across the country. Both reports documented serious concerns from individuals in various communities throughout Virginia and the Nation regarding the treatment of student medical records.

One main theme that kept resonating in various communities was concern with the appropriate balance between providing for the safety of our communities while at the same time protecting privacy rights. Too many college administrators are unsure how to balance the right to privacy against public safety, and Federal law and regulations are of little help.

This bill simply attempts to clear up any ambiguity that currently exists within the Family Educational Rights and Privacy Act, known as FERPA, which allows for the sharing of student educational records in order to protect the health or safety of a student or the general public.

FERPA, written in 1974, was created at a time when schools did not provide the health care services they do today. According to the National Institute of Mental Health, half of all lifetime cases of mental illness begin by age 14. Schools today, whether they are K-12 or a post-secondary institution, have critical student health records in their hands.

It is important for Congress to ensure that we provide our school officials, administrators, and counselors clear Federal guidelines to protect the privacy and to ensure the safety of our students. My bill attempts to address the concerns raised by school officials, administrators, and institutions in interpreting FERPA.

If one looks back at the recommendations of the Virginia Tech Review Panel, one notices that a key re-sounding issue is the misinterpretation of Federal and State privacy laws. My bill does three things to amend FERPA so that tragic situations such as the one at Virginia Tech are less likely to occur. First, it adds an explicit "safe harbor" provision to make clear that no violation of FERPA occurs if a school official discloses information in a good-faith belief that it is necessary to protect the health or safety of a student or the general public. Second, it clarifies how FERPA applies to student treatment records held for treatment purposes. Third, it clarifies the emergency exception in FERPA to emphasize that in an emergency, information-sharing is allowed if done in a good-faith belief that doing so will protect against a possible threat to the health or safety of a student or the general public.

This is a straightforward attempt to address several recommendations that were made by the Virginia Tech Review Panel in clarifying the widespread perception that information privacy laws make it difficult to respond effectively to troubled students. It is important for school officials to use their best professional judgment in deciding when to disclose or not to disclose in-

formation without fear of violating Federal educational privacy laws.

There is widespread agreement that existing law is in need of clarification. In this regard, I note that the Department of Education proposed a rule on March 24 of this year, which is an attempt to clarify and give guidance to university administration on what they can and cannot do in handling treatment records. I believe this bill is a more direct and effective way to achieve that desired clarity.

Together with the passage of the Mental Health Parity Act in both the House and Senate and other measures to ensure access to mental health services, my bill will be a good step in addressing this growing issue of mental disorders that is all too common in many communities. I look forward to working with my colleagues in the Senate for quick passage of the Family Educational Rights and Privacy Act Amendments of 2008.

Madam President, I yield the floor, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume the motion to proceed to H.R. 1195, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to consideration of Calendar No. 608, a bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. shall be equally divided and controlled between the two leaders or their designees.

Who yields time? The Senator from California.

Mrs. BOXER. That means I would have how much time now?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mrs. BOXER. Mr. President, I am glad you are in the chair. As a member of the Environment and Public Works Committee, you have been very involved in everything we have done so far and we will do in the future, in

terms of rebuilding the infrastructure of this Nation, building a transit infrastructure, and some of the other things that we do.

I am very pleased the majority leader has called for a motion to proceed to H.R. 1195, the SAFETEA-LU Technical Corrections Act of 2008. On August 10, 2005, President Bush signed into law the SAFETEA-LU Act, which authorized our Nation's highways, transit, and highway safety programs through the end of 2009.

We all know a country cannot be great if it does not have the physical infrastructure to move people and to move goods and to be efficient. The funding provided in SAFETEA-LU is currently being used on highway and transit projects that clearly increase our economic productivity, create thousands and thousands of new jobs, and improve America's quality of life.

It has been several years since SAFETEA-LU was signed into law, and we on the committee, the Environment and Public Works Committee, and on the Banking Committee and on the Commerce Committee, have worked across party lines to identify the technical corrections that need to be made. These include updating of project descriptions, adjustments to some of the legislative language, and in some cases where projects could not move forward Members have said we have other projects that are ready to move forward. That is why this bill is so important.

If we do not do this bill, we are simply going to languish until the next highway bill in a couple of years, and we are going to waste time. We do not have time to waste. The issues need to be addressed to ensure that various programs authorized in SAFETEA-LU are being carried out according to congressional intent and are not bogged down in unintended consequences.

In an effort to address the issues identified since the passage of SAFETEA-LU, the House of Representatives approved H.R. 1195 in March of 2007 by a voice vote. The legislation was subsequently amended and approved by voice vote in the Senate Committee on Environment and Public Works in June of 2007. That is the committee I chair, and my ranking member, Senator INHOFE, and I have worked very closely on this and other infrastructure matters.

My remarks today are on the Technical Corrections Act of 2008, which has been filed as an amendment in the nature of a complete substitute to H.R. 1195. This amendment mirrors the earlier technical corrections legislation approved by the Senate and House committees but has been updated for the fiscal year, and it addresses additional issues which have been discovered since H.R. 1195 was first approved by the House and considered by our committee.